

## AFFIDAVIT

I, Andreas T. Aguirre, being duly sworn, state as follows:

1. I am currently a Supervisory Special Agent (SSA) with the Federal Bureau of Investigation (FBI). I have been employed with the FBI since October 2008.

2. I am currently the Assistant Legal Attaché (ALAT) assigned to the FBI Legal Attaché Office at the U.S. Embassy in Baghdad, Iraq. I have been an ALAT in Iraq since February 2021. My responsibilities as an ALAT include assisting FBI and Department of Justice (DOJ) personnel in the United States with their investigations, to include conducting interviews of individuals located in Iraq. To fulfill these responsibilities, I often interact with Iraqi government and law enforcement officials.

3. On November 25, 2019, my predecessor in the role of ALAT, FBI SSA Nicole M. Canales, interviewed Yasir al-Anzi at the Iraqi Ministry of Interior (MOI) General Directorate of Intelligence and Counterterrorism (GDIC). The interview was recorded and a copy of the recording has been provided to the FBI Field Office in Portland, Oregon.

4. Prior to the interview, my predecessor was informed by Iraqi Brigadier General Adil Hussein al-Kharzraji that al-Anzi had been convicted of a violation of Article 4 of the Iraqi criminal code, specifically terrorism, and that he was awaiting sentencing. I have since been informed that al-Anzi has been sentenced to life in prison. Based on my experiences in Iraq, I am aware that the Iraqi government would not allow al-Anzi to be furloughed from their custody to travel to the United States to appear as a witness at a trial.

5. It is my understanding that the prosecutors and agents assigned to the case of *United States v. Hawazen Sameer Mothafar*, No. 3:20-cr-00506 (D. Ore. filed Nov. 3, 2020), are seeking to conduct a deposition of al-Anzi. I am aware that on March 25, 2020, the U.S. Department of State ordered the departure of designated U.S. government employees from Iraq due to security conditions and restricted travel options as a result of the COVID-19 pandemic. The Department of State has also limited the number of U.S. personnel allowed in Iraq at any one time. Only U.S. personnel whose presence is critical to the U.S. mission are allowed to travel into Iraq, with strict adherence to such limitations supervised by the Department of State. Any U.S. government travel outside of such mission-critical personnel would disrupt the duties of those assigned to Baghdad, Iraq. The U.S. Embassy remains at significantly reduced staffing primarily due to security and COVID-19 concerns.

6. Security factors include a persistent threat of attacks from militia groups aiming to remove the U.S. presence from Iraq. The U.S. Embassy and/or other locations with U.S. persons present are persistently targeted by attacks, primarily via Indirect Fire (IDF) with rockets. Furthermore, the U.S. Department of State maintains a Level 4 "Do Not Travel" advisory for Iraq, urging U.S. citizens to not travel to Iraq due to threat of terrorism, kidnapping, armed conflict, and COVID-19, and the U.S. Mission's limited capacity to provide support to U.S. citizens in an emergency. As a result of the continued threat of attacks and overall instability in

the region, the U.S. government cannot guarantee the safety or security of prosecutors, agents, or defense counsel were they to travel to Iraq to conduct a deposition.

7. I have spoken with an Iraqi government official and have been assured that the Iraqi government will allow al-Anzi to testify for a deposition. Both Iraqi and U.S. government facilities exist in Baghdad that have the capability for two-way closed-circuit video feed and/or online video teleconferencing services, and to which al-Anzi can be transported. I will arrange with the FBI case team for an Arabic linguist to provide translation and interpretation services during the deposition. Finally, I will attempt to arrange for an Iraqi official or judge to administer an oath to al-Anzi during the deposition. If I am unable to arrange for an Iraqi official to do so, I will instead arrange for a U.S. government official to administer the oath.



Andreas T. Aguirre  
Supervisory Special Agent  
Federal Bureau of Investigation

Subscribed and sworn before me this 29 day of APRIL, 2021.



SPECIAL AGENT  
DIPLOMATIC SECURITY SERVICE